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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,122	06/22/2000	ERNST ACH	4781-42PUS	8151

7590 07/29/2003

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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/582,122

Applicant(s)
Ach

Examiner
Steven McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 8, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites that the first and second parallel guides are arranged in the corners of a square, but the as understood by the examiner, the disclosure shows them arranged in the corners of a rectangle, but not a square. In examiner the claim, square was read as rectangle.

Claim 21 further recites that the weight of the engine is equally loaded on the "first and second guides". It is not clear whether this means that the first guides as a whole take half and the second guides as a whole take a half, or whether each guide is intended to take one forth.

3. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 recites that the total weight of the engine is equally loaded on the first and second guides, but as read by the examiner, the original specification, claims and

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drawings do not appear to show this limitation in such a way as to convey that the inventor was in possession of this element.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein (5944144).

Yoshikawa shows first parallel guides 15c comprising planar vertical flat beams which engage with the elevator car; and second and separate parallel guides 15d comprising a second set of vertical flat beams which engage with the counterweight; the sets of parallel guides being in parallel vertical planes which are separated and spaced apart by a element 15b; a cage 5 movable on the first guides (Figs. 2, 3); a counterweight 9 movable on the second guides; an engine mount 21 fastened on top of the first and second guides (Fig. 3); and a drive on the mount. Yoshikawa does not show that the first and second guides are discontinuously connected. Hein shows first and second guides connected vertically and horizontally discontinuously via connectors 34. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Yoshikawa by separate guides discontinuously joined as taught by Hein in order to facilitate maintenance (e.g., if a length of second guide is damaged, it can be replaced without replacing the first guide.)

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6. Claims 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein as applied to claim 8 above, and further in view of Lane (5845745).

Yoshikawa in view of Hein shows all elements of the claim except a cable routed to an under side of the cage. Lane shows a cable connected to a connecting point 60 at the bottom of the elevator cage (see Fig. 1). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by routing the cable to the bottom of the elevator in order to minimize any angle error in the cable due to the longer length between the motor and the tie point.

As to claim 12, it is noted that Lane shows means for connecting the engine mount to the guides in a vibration-damped manner comprising damping material (35, 44 of Lane).

As to claim 15, it is noted that Yoshikawa in view of Hein and Lane shows a fastening bracket (32 of Lane) that forms a butt joint connection with the guide rails of the cage.

7. Claims 9, 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein as applied to claim 8 above, and further in view of Loiodice.

Yoshikawa in view of Hein shows all elements of the claim except the guides extending beyond the engine mount. Loiodice shows that the guide rails extend beyond engine mount 62 (see Fig. 6 and col. 4, lines 28-34). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by extending the guides as taught by Loiodice in order to allow securing of the rails at their ends.

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As to claim 12, Yoshikawa in view of Hein and Loiodice show all elements of the claim except mounting in a vibration damping manner. However, it old and well known in the art to mount engine brackets with vibration damping material. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by mounting the motor bracket in a vibration-damping manner in order to prevent vibrations from being transmitted to the car and the building.

As to claim 13, it is noted that Loiodice shows end plates 64 for fastening to the guide rails 60 and an engine bearer 62. It does not specifically disclose the connection between the bearer and the end plates. However, it is old and well known in the art to connect such pieces by welding, a non-detachable joining method. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by welding the joints in order to provide a strong and rigid joining method.

As to claims 14 and 15, it is noted that Loiodice shows that end plates form a butt joint with the guide rails of the cage (see Fig. 6 and col. 4, lines 28-34).

As to claims 16 and 17, it is noted that Yoshikawa in view of Hein and Loiodice shows guides with mutually facing inner sides and mutually opposing outer sides, with the engine mount being mounted on the mutually opposed outer sides via the end plates.

As to claim 19, it is noted that Yoshikawa shows upper and lower guide shoes 16, 17 spaced apart to allow at least one of the counter weight and the drive engine to pass the elevator car.

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Response to Arguments

8. Applicant's arguments filed 11/20/02 have been fully considered but they are not persuasive.

Applicant argues that the Yoshikawa in view of Hein is improper since Hein is a traction drive elevator. However, both references deal the problem of providing guide rails for a car and a counterweight and both do it in the same fashion (i.e., providing two pairs of guides in separate, parallel, spaced apart vertical planes). The only element taught by Hein is the method of connection of those two sets of guides. This teaching applies equally well to either type of elevator.

Regarding Applicant's argument that the claim is allowable because of equal weight distribution of the motor, as discussed above this element was not found in the original disclosure.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.


Steven B. McAllister

July 26, 2003